

REMARKS

Claims 1-20 are currently pending in this application. By way of this Reply, claims 2, 4, 8, 10, and 11 have been amended to correct grammatical errors, claims 1 and 12 have been amended, without prejudice, to further distinguish the present invention over the cited prior art, and claims 15-20 have been added to recite additional features of the present invention that are submitted to be distinguishable from the cited prior art. No new matter has been added by way of this Reply.

Claims 1-4 and 11 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,845,349 (the '349 Patent); claims 5-7 and 12-14 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over the '349 Patent in view of U.S. Patent No. 6,112,347 (the '347 Patent); and claims 8-10 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over the '349 Patent in view of U.S. Patent No. 6,588,033 (the '033 Patent). These rejections are respectfully traversed.

Applicants respectfully submit that the '349 Patent, the primary reference relied upon by the Examiner with respect to all claim rejections, is distinguishable from the presently claimed invention for the reasons set forth below.

Independent claim 1 of the present invention, as amended, recites, in pertinent part, "rail supports secured to and extending upwardly from said board for supporting said rail a spaced distance above said board...." The '349 Patent, the sole reference relied upon to reject claim 1, does not disclose or suggest that rail

supports are secured to a board as recited by claim 1 of the present invention. As best shown in Figure 1 of the '349 Patent, any "rail supports" would arguably be shown by vertical rails 34 and 53. The vertical rails are secured to the lower corners (31) and upper corners (35 and 36), and not to any "board" as required by independent claim 1 of the present invention. See also '349 Patent specification at col 5, ln. 66 – col. 6, ln. 1. Accordingly, independent claim 1 and claims 2-11 and 15-20, which depend therefrom, are patentable over the cited prior art.

Claim 2, and claims 3-6 which depend therefrom, are also distinguishable from the '349 Patent, claim 2 reciting a "fixed member along said one substantially straight side of said rail ...to prevent an infant resting on said board from rolling off said board when the removable rod has been removed." As disclosed at col. 7, lns. 57-66 and shown in Figures 3-7 and 10 of the '349 Patent, the '349 Patent does not disclose a "fixed member" in addition to the removable rod. Rather the '349 Patent discloses that the removable rod can be reengaged at a lower height on vertical rails (53) to serve the function of protecting an infant from rolling off the board.

Finally, independent claim 12 of the present invention, as amended, recites, in pertinent part, "a second support for said frame and said board, said second support joined to said board...." The Examiner rejected claim 12 stating that the '347 Patent discloses all of the claimed limitations except for a support with height adjusting means. The Examiner applied the '347 Patent to cure this deficiency, stating that it discloses a support with height adjusting means.

Applicant: Waldman et al.
Application No.: 10/766,364

The combination of the '349 and '347 Patents does not disclose or suggest a board being joined to a "second support" as recited by amended claim 12 of the present invention. At best, the '349 Patent discloses a "rigid removable floor" which removably rests atop either the flaccid floor panel (56) (Figure 1) or the bottom of the second enclosure (63) (Figure 9). Accordingly, independent claim 12 and claims 13-14, which depend therefrom, are patentable over the cited prior art.

For the above reasons, it is respectfully submitted that pending claims 1-20 are in condition for allowance. Accordingly, reconsideration and allowance of pending claims 1-20 is respectfully requested.

If the Examiner does not believe that the claims are in condition for allowance, the Examiner is respectfully requested to contact the undersigned at 215-568-6400.

Respectfully submitted,

Waldman et al.

By 
Louis Weinstein
Registration No. 20,477
(215) 568-6400

Volpe and Koenig, P.C.
United Plaza, Suite 1600
30 South 17th Street
Philadelphia, PA 19103

LW/RWO/djw